

EXHIBIT A

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

THE GERFFERT COMPANY, INC., AND
STEPHEN PANIGEL

1:09-CV-00266-KAM-CLP

Plaintiffs,

X

-against-

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JAMES DEAN, ANDREA BONELLA, DOLORES
KING, WILLIAM J. HIRTEN CO., LLC., MARIO
BONELLA, GIANFRANCO BONELLA, "JOHN
DOE" AND "JANE DOE," DOING BUSINESS AS
FRATELLI BONELLA, FRATELLI BONELLA,
SRL AND HMH RELIGIOUS
MANUFACTURING CO., INC.,

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X

Defendants,

**DECLARATION OF JAMES DEAN IN SUPPORT OF DEFENDANTS'
MOTION TO DISQUALIFY PLAINTIFFS' COUNSEL**

I, James Dean, declare as follows:

1. I am a defendant in the above-referenced case. I have personal knowledge of the facts stated herein, and if called to testify, I could competently do so. I submit this Declaration in support of Defendants' Motion to Disqualify Plaintiffs' Counsel.

2. Attached hereto as Exhibit A is a true and correct copy of a November 18, 2008 email from Stephen Panigel of The Gerffert Company, Inc. In that email, Mr. Panigel complains that "Mario [Bonella] has stated that Gerffert was, is, and will be the exclusive and sole distributor of the Bonella line" and that William J. Hirten Co., LLC "use[d] Gerffert's proprietary item numbers, Gerffert's proprietary series numbers, Gerffert's page headers" – the

very subject of the above-captioned case. In that same email, Mr. Panigel states that he has "consulted a lawyer" and that "he will have no alternative but to commence a lawsuit."

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed November 1, 2010, at , Cumberland, Rhode Island.


James Dean

EXHIBIT A

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: hmhreligious@aol.com [mailto:hmhreligious@aol.com]
Sent: Tuesday, November 18, 2008 2:04 PM
To: jamesdean@wjhirten.com
Subject: Fwd: Letter

-----Original Message-----

From: Stephen <steve@gerffert.com>
To: hmhreligious@aol.com
Sent: Tue, 18 Nov 2008 12:19 pm
Subject: Letter

Mr. James Dean
William J. Hirten Co. LLC
35 Industrial Rd.
Cumberland, RI 02864

Mr. James Dean
HMH Regina Mfg. Inc.
103 Webster St.
Pawtucket, RI 02861

Dear Jimmy:

I received Hirten's new Wall Décor catalog that you sent me in the mail the other day, and I must say, I am appalled and disappointed at what I saw in it. You, Andrea and Dolores have copied, wholesale, much of Gerffert's Wall Décor line. Who gave you permission to use Gerffert's proprietary item numbers, Gerffert's proprietary series numbers, Gerffert's page headers? These were the result of years of effort and refinement on my part. I expended years of my time and effort and a great deal of money to make sure that those item and series designations were put into the computer systems of Gerffert's customers to make ordering merchandise a simple and familiar process. You even used Gerffert's photography, for which Gerffert paid Starr Brothers, without authority or permission.

I have tried to maintain a cordial relationship with you in the face of great provocation. The Wall Décor catalog is not the first example of Hirten hijacking Gerffert's proprietary line. In Hirten's laminated holy card catalog as well as its micro-perf catalog, you,

11/21/2008

Andrea and Dolores have done the same thing. I must tell you that I have consulted a lawyer about your conduct regarding your catalogs. In addition, I invested a huge amount of my own, and Gerffert's money into HMH and Regina, which you basically now operate and have taken the assets of as if you paid for them. You have repeatedly acknowledged that you owe me and Gerffert money because of what I did for HMH and Regina. You were supposed to figure out and come up with a proposal regarding how you will pay me back. So far you have done nothing!

As you may know, Mario has stated that Gerffert, was, is and will be the exclusive and sole distributor of the Bonella line.

Collectively, you, Andrea and Dolores, Hirten LLC and Fratelli Bonella are benefitting from the money I invested, the work I have done and the assets I own. Now it is time for all who have benefitted to come up with an amount of money to pay me for my economic loss or I will have no alternative but to commence a lawsuit.

Thank You,

THE GERFFERT COMPANY, INC.

Stephen Panigel, President

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